

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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Bosmat Adorno,

Plaintiff,

Civil Action No.: _____

v.

Enhanced Recovery Company, LLC

**COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

Defendant.

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Plaintiff Bosmat Adorno (“Plaintiff” or “Adorno”), by and through its attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for its Complaint against the Defendant Enhanced Recovery Company, LLC (“Defendant” or “ERC”), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant’s violation(s) of Sec. 1692 et. Seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act (“FDCPA”).

PARTIES

2. Plaintiff is a resident of the State of New Jersey, County of Bergen, residing at 575 Darlington Avenue, Ramsey, NJ 07446.

3. Defendant is a collection firm with a principal place of business at 8014 Bayberry Rd Jacksonville, FL 32256, and, upon information and belief, is licensed to do business in the State of New Jersey.

4. ERC is a “debt collector” as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367 (a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391 (b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. On or about February 10, 2012, Plaintiff sent a letter to Defendant, requesting validation of the debt (“Exhibit A”).

10. Defendant failed to provide verification and validation information requested by Plaintiff.

11. Defendant failed to report the debt to the credit bureaus as disputed (“Exhibit B”).

12. Said failure on the part of Defendant is a violation of the FDCPA, 15 U.S.C. § 1692e(8), which prohibits a debt collector from “communicating false credit information, including the failure to state that a disputed debt had been disputed”.

13. As a result of Defendant’s deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

FIRST CAUSE OF ACTION

(Violations of the FDCPA)

14. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “13” herein with the same force and effect as if the same were set forth at length herein.

15. Defendant’s debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. §1692e(8).

16. As a result of Defendant’s violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

17. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this complaint to which Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Bosmat Adorno demands judgment against the Defendant Enhanced Recovery Company, LLC as follows:

A. For actual damages provided and pursuant to 15 U.S.C. Sec. 1692k(a)(1);

- B. For statutory damages provided and pursuant to 15 U.S.C. Sec.1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 U.S.C. Sec. 1692k(a)(3);
- D. A declaration that the Defendants' practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
November 29, 2012

Respectfully submitted,

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